

Appl 10/731,835
Amdt dated August 10, 2005
Reply to Office Action of May 17, 2005

REMARKS

The undersigned wishes to thank Examiner Gibson for the courtesy of a telephone interview. During the telephone interview, the important distinctive features of the present invention were discussed over the prior art of record both applied and unapplied. One such feature discussed was the maintaining of the liquid beverage and the liquid medicine in un-commingled relationship until being discharged from the appropriate discharge port formed into the upper end of the drinking spout. However, Examiner Gibson asserted this general feature as being taught in the unapplied reference to Botts in Figures 4, 6 and 8 thereof. Although Botts was directed to an improved nipple for use with a liquid medicine dispensing bottle and not that of a "sippy cup" type device of the present invention, Examiner Gibson tentatively maintained the appropriateness of that teaching during the interview. The additional distinctive aspect of the present invention directed to the shape and location of the plunger, plunger cavity and enlarged plunger cavity formed into the side of the container was also discussed at length and appears to be clearly untaught in prior art references known to the undersigned and of record in this case.

REJECTIONS

Claims 1 to 3 have been rejected under 35 U.S.C. 102(b) as being anticipated by Burchett. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burchett in view of Flink. Based upon the reasoning set forth herebelow in combination with the amendments now in the case, it is submitted that these rejections are thereby overcome.

THE INVENTION

The invention is generally directed to a liquid dispensing device for the selective oral administration of a liquid medicine selectively simultaneously with a liquid beverage

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to disguise the taste of the liquid medicine. The device is generally in the form of a "sippy cup" having a rigid lid including an upwardly tapered spout and a uniquely configured oval upper surface having preferably three side-by-side discharge ports formed therein. The two outer ports are in fluid communication with the interior of the cup when the lid is in the sealed attached position atop the cup while the center discharge port is in fluid communication with the medicine cavity formed into the side of the cup. Importantly, the structure maintains the un-commingled and isolated condition of the liquid medicine from the liquid beverage until both are discharged through the respective upper discharge ports in the tapered drinking spout.

A second important aspect of the present invention is with respect to the configuration and positioning of the plunger cavity and the enlarged clearance cavity formed therebelow. Being fully within the boundary of the circular outer perimeter of the cup, inadvertent contact with the plunger or the medicine cavity itself is highly unlikely. More importantly, the lower distal end of the plunger is always maintained above the bottom of the cup and within an enlarged clearance cavity for easy finger access to insert and withdraw the plunger from the medicine cavity as desired. Further, because the lower end of the plunger is always maintained above the bottom of the cup, the device may always be supported on a horizontal surface between uses regardless of the position of the plunger in the medicine cavity. Easy finger access is also maintained against the lower end of the plunger and into the enlarged clearance cavity for easy plunger movement into and out of the medicine cavity.

REFERENCES OF RECORD

Turning to the references of record, the primary reference to Burchett has been clearly distinguished in the amended claims now in the case. Both of the above-

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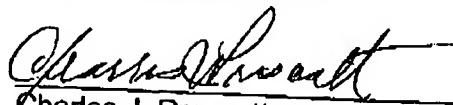
described features of the present invention are clearly lacking in this teaching. Commingling of the liquid medicine and the liquid beverage are easily facilitated by the structure of the nipple of Burchett and there is no teaching of the plunger cavity and plunger arrangement facilitating the upright standing of the device when not in use or in between uses.

Although the additional teaching of Flink does resemble the tapered drinking spout of the present invention, there is no fluid communication extending into the container whatsoever. Moreover, only fluids are dispensed through the Flink reference by gravity through all three ports without any teaching of separate beverage ports and the dispensing of two separate fluid beverages of any kind.

As stated above, the as yet to be applied reference to Botts is directed to a nipple rather than a rigid lid and tapered sipping or drinking spout although it is acknowledged that the commingling of the two liquids as they enter into the nipple structure are maintained as being isolated one from another.

It is submitted that these two important features of the present invention now more clearly recited in the independent claims now in the case distinguish this invention over the prior art of record and it is submitted that the case is now in condition for allowance. However if Examiner Gibson finds any remaining informalities which would inhibit issuance of a Notice of Allowance, he is requested to again contact the undersigned directly to conduct a further telephone interview in an effort to resolve those issues.

Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing is being facsimile transmitted to the Honorable Commissioner for Patents, (571) 273-8300, this August 11, 2005.


Charles J. Prescott